

Page 1 of 28  
Permit No.: WA-002193-9  
Issuance Date:  
Effective Date:  
Expiration Date:

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
WASTE DISCHARGE PERMIT NO. WA-002193-9

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
YAKIMA, WASHINGTON 98902

In compliance with the provisions of  
The State of Washington Water Pollution Control Law  
Chapter 90.48 Revised Code of Washington  
and  
The Federal Water Pollution Control Act  
(The Clean Water Act)  
Title 33 United States Code, Section 1251 et seq.

**CITY OF CLE ELUM  
UPPER KITTITAS COUNTY REGIONAL  
WASTEWATER TREATMENT FACILITY  
500 OWENS ROAD  
CLE ELUM, WA 98922**

Plant Location:  
Latitude: 47° 11' 5.63" N  
Longitude: 120° 55' 6.31" W.

Water Body I.D. No.:  
WA-39-1030 Old  
EB21AR New

Plant Type:  
Sequential Batch Reactor, SBR

Receiving Water:  
Yakima River

Approximate Discharge Location: Yakima River  
Latitude: 47° 11' 10" N  
Longitude: 120° 55' 12" W.

is authorized to discharge in accordance with the special and general conditions that follow.

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Richard J. Frye  
Acting Section Manager  
Water Quality Program  
Central Region Office  
Washington State Department of Ecology

**DRAFT**

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### SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

| Permit Section | Submittal  | Frequency      | First Submittal Date                |
|----------------|--|----------------|-------------------------------------|
| S2.A.          | EPA Priority Pollutant Scan                                    | 2/permit cycle | October 1, 2008                     |
| S3.A.          | Discharge Monitoring Report                                    | Monthly        |                                     |
| S3.E           | Noncompliance Notification                                     | As necessary   |                                     |
| S4.C.          | Notification of New or Altered Sources                         | As necessary   |                                     |
| S4.D.          | Infiltration and Inflow Evaluation                             | 1/permit cycle | With application for permit renewal |
| S4.E.          | Wasteload Assessment   | 1/permit cycle | With application for permit renewal |
| S5.G.          | Operations and Maintenance Manual                              | 1/permit cycle | June 1, 2006                        |
| S5.G.          | Operations and Maintenance Manual Update or Review             | Annually       |                                     |
| S8.            | Application for permit renewal                                 | 1/permit cycle | One year prior to permit expiration |
| S9.            | Spill Plan   | 1/permit cycle | June 1, 2006                        |
| S10.           | Outfall Evaluation & GPS Coordinates                           | 1/permit cycle | October 1, 2009                     |
| G1.            | Signature Authorization/Delegation                             | As necessary   |                                     |
| G4.            | Reporting Planned Changes                                      | As necessary   |                                     |
| G5.            | Engineering Report for Construction or Modification Activities | As necessary   |                                     |
| G20.           | Reporting Anticipated Non-compliance                           | As necessary   |                                     |
| G21.           | Reporting Other Information                                    | As necessary   |                                     |

## SPECIAL CONDITIONS

### S1. DISCHARGE LIMITATIONS

#### A. Effluent Limitations

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on **the effective date of this permit** and lasting through **the expiration date**, the Permittee is authorized to discharge municipal wastewater at the permitted location subject to complying with the following limitations:

| <b>TECHNOLOGY BASED EFFLUENT LIMITATIONS <sup>a</sup>: OUTFALL # 001</b>   |   |                                   |
|--|---|-----------------------------------|
| <b>Parameter</b>   | <b>Average Monthly</b>                            | <b>Average Weekly</b>             |
| Biochemical Oxygen Demand (5 day)  | 30mg/L, 285lbs/day<br>85% removal of influent BOD | 45mg/L, 428lbs/day                |
| Total Suspended Solids   | 30mg/L, 285lbs/day<br>85% removal of influent TSS | 45mg/L, 428lbs/day                |
| Fecal Coliform Bacteria  | 200/100 mL  | 400/100 mL                        |
| pH <sup>b</sup>  | pH shall be within the range of 6-9               |                                   |
| Total Residual Chlorine <sup>c</sup>   | <b>Average Monthly</b>                            | <b>Maximum Daily <sup>d</sup></b> |
|  | Not required                                      | 0.5 mg/L                          |
| <sup>a</sup> The average monthly and weekly effluent limitations are based on the arithmetic mean of the samples taken with the exception of fecal coliform, which is based on the geometric mean.   |   |                                   |
| <sup>b</sup> Indicates the range of permitted values. The instantaneous maximum and minimum pH shall be reported monthly.  |   |                                   |
| <sup>c</sup> This effluent limit applies whenever chlorine is used in the facility. If no chlorine is used during the monitoring period enter "no discharge of chlorine" on the DMR for the period.  |   |                                   |
| <sup>d</sup> The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For other units of measurement, the daily discharge is the average measurement of the pollutant over the day. |   |                                   |

#### B. Mixing Zone Descriptions

The maximum boundaries of the mixing zones are defined as follows:

The chronic mixing zone boundary shall extend to a maximum of 300 feet downstream, 100 feet upstream and the width shall be no greater than 70 feet. The acute mixing zone shall be no more than 10% of the chronic dimensions at 30 feet downstream, 10 feet

upstream with a width of 7 feet. The aquatic life dilution factors are calculated to be **36.8:1** for the chronic mixing zone and **7.3:1** for the acute mixing zone.

|                |             |
|----------------|-------------|
| <b>Acute</b>   | <b>7.3</b>  |
| <b>Chronic</b> | <b>36.8</b> |

## S2. MONITORING REQUIREMENTS

### A. Monitoring Schedule

The Permittee shall monitor in accordance with the following schedule:

| <b>Parameter</b>              | <b>Units</b>           | <b>Sample Point</b>             | <b>Minimum Sampling Frequency</b> | <b>Sample Type</b>           |
|-------------------------------|------------------------|---------------------------------|-----------------------------------|------------------------------|
| BOD <sub>5</sub>              | mg/L                   | Municipal Influent <sup>a</sup> | 2/wk <sup>b</sup>                 | 24 hr composite <sup>c</sup> |
| BOD <sub>5</sub>              | lbs/day                | “                               | “                                 | Calculation <sup>d</sup>     |
| TSS                           | mg/L                   | “                               | “                                 | 24 hr composite              |
| TSS                           | lbs/day                | “                               | “                                 | Calculation                  |
| Flow                          | MGD                    | Final effluent <sup>e</sup>     | Continuous <sup>f</sup>           | Metered                      |
| BOD <sub>5</sub> <sup>g</sup> | mg/L                   | “                               | 3/wk <sup>h</sup>                 | 24 hr composite              |
| BOD <sub>5</sub>              | lbs/day                | “                               | “                                 | Calculation                  |
| BOD <sub>5</sub>              | % removal <sup>i</sup> | “                               | Monthly <sup>j</sup>              | “                            |
| TSS                           | mg/L                   | Final effluent                  | 2/wk                              | 24 hr composite              |
| TSS                           | lbs/day                | “                               | “                                 | Calculation                  |
| TSS                           | % removal              | “                               | Monthly                           | “                            |
| pH                            | Standard Units         | “                               | 3/wk                              | Grab <sup>k</sup>            |
| Temperature                   | °C                     | “                               | “                                 | “                            |
| Chlorine <sup>l</sup>         | mg/L                   | Final effluent                  | “                                 | “                            |
| Chlorine                      | lbs/day                | “                               | “                                 | Calculation                  |
| Fecal Coliform                | # colonies/100 mL      | “                               | “                                 | Grab                         |
| Total ammonia                 | mg/L                   | “                               | 1/wk <sup>m</sup>                 | “                            |
| Total ammonia                 | lbs/day                | “                               | “                                 | Calculation                  |
| Oil and Grease                | mg/L                   | Final effluent                  | 4/year <sup>n</sup>               | Grab                         |
| Phosphorus (Total)            | mg/L P                 | “                               | Monthly                           | “                            |
| Total Kjeldahl Nitrogen       | mg/L                   | “                               | “                                 | “                            |
| Total Hardness                | mg/L                   | “                               | 4/year                            | “                            |

| Parameter  | Units | Sample Point   | Minimum Sampling Frequency | Sample Type |
|--|-------|----------------|----------------------------|-------------|
| EPA Priority Pollutants - metals, cyanide and phenols.   | µg/L  | Final effluent | 2/permit cycle °           | Grab        |
| a-"Municipal Influent" means the raw sewage flow and shall be sampled entering the headworks of the treatment plant excluding any side stream returns from inside the plant.   |       |                |                            |             |
| b-"2/week" means 2 times during each calendar week and on a rotational basis throughout the days of the week, except weekends and holidays. In addition for BOD and TSS monitoring, once the discharge is equal to or greater than 1.0 MGD for three consecutive months the Permittee shall then monitor 3/week. |       |                |                            |             |
| c-"24-hour composite" means a series of individual samples collected over a 24-hour period into a single container, and analyzed as one sample.  |       |                |                            |             |
| d-"Calculation" means figured concurrently with the respective sample, using the following formula:<br>$\text{Concentration (in mg/L)} \times \text{Flow (in MGD)} \times \text{Conversion Factor (8.34)} = \text{lbs/day}.$   |       |                |                            |             |
| e-"Final Effluent" means wastewater which is exiting, or has exited, the last treatment process or operation. Typically, this is after or at the exit from the chlorine contact chamber or other disinfection process.   |       |                |                            |             |
| f-"Continuous" means without interruption throughout the operating and discharging hours of the Permittee's facility, except for infrequent shutdowns for maintenance.   |       |                |                            |             |
| g-Effluent samples for BOD <sub>5</sub> analysis may be taken before or after the disinfection process when U.V. is in use. If chlorinated, if the sample is taken after chlorination the sample shall be dechlorinated and reseeded.  |       |                |                            |             |
| h-"3/week" means 3 times during each calendar week and on a rotational basis throughout the days of the week, except weekends and holidays.  |       |                |                            |             |
| i-Percent (%) removal of BOD and TSS shall be calculated with the following algorithm: $(\text{Average Monthly Influent Concentration (in mg/L)} - \text{Average Monthly Effluent Concentration (in mg/L)}) / \text{Average Monthly Influent Concentration (in mg/L)}.$  |       |                |                            |             |
| j-"Monthly" means once every calendar month during alternate weeks.  |       |                |                            |             |
| k-"Grab" means an individual sample collected over a 15 minute, or less, period.   |       |                |                            |             |
| l-Sampling shall not occur when ultraviolet light (UV) disinfection system is in operation.  |       |                |                            |             |
| m-"1/week" sample taken once per calendar week on alternating days.  |       |                |                            |             |
| n-"4/year" means sample taken once every three months on non-consecutive months.   |       |                |                            |             |
| o-"2/permit cycle" means twice during the 5 year permit cycle. One sample shall be taken the third quarter of 2008 and submitted to the Department by October 1, 2008 and the second shall be taken in the 4 <sup>th</sup> quarter of 2010 and submitted with the application for permit renewal.                |       |                |                            |             |

## B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136.

**C. Flow Measurement**

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least 3 years.

**D. Laboratory Accreditation**

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. The Department exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

**E. Request for Reduction of Monitoring**

The Permittee may request a reduction of the sampling frequency after 24 months of monitoring. The request shall: (1) be in written form, (2) clearly state the parameters for which the reduction in monitoring is being requested, and (3) clearly state the justification for the reduction. Any request for reduction in monitoring shall be granted at the Department of Ecology's (Department) discretion and accomplished through an Administrative Order or permit modification.

**S3. REPORTING AND RECORDING REQUIREMENTS**

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.



**A. Reporting**

The first monitoring period begins on **the effective date of the permit**. Monitoring results shall be submitted monthly. Monitoring data obtained during each monitoring period shall be summarized, reported, and submitted on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by the Department. DMR forms shall be postmarked or received by the Department no later than the 15th day of the month following the completed monitoring period, unless otherwise specified in this permit. Priority pollutant analysis data shall be submitted no later than 45 days following the monitoring period. Unless otherwise specified, all toxicity test data shall be submitted within 60 days after the sample date. The report(s) shall be sent to:

Permit Data Systems Manager  
Department of Ecology  
Central Regional Office  
15 West Yakima Avenue, Suite 200  
Yakima, Washington 98902

All laboratory reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/ number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

**B. Records Retention**

The Permittee shall retain records of all monitoring information for a minimum of 3 years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Department.

**C. Recording of Results**

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

**D. Additional Monitoring by the Permittee**

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2 of this permit, then the results of such monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

**E. Twenty-four Hour Notice of Noncompliance Reporting**

1. The Permittee must report the following occurrences of noncompliance by telephone, to Ecology at 509 575-2434, within 24 hours from the time the Permittee becomes aware of the circumstances:
  - a. any noncompliance that may endanger health or the environment;
  - b. any unanticipated bypass that exceeds any effluent limitation in the permit (See Part S5.F., "Bypass Procedures");
  - c. any upset that exceeds any effluent limitation in the permit (See G.15, "Upset");
  - d. any violation of a maximum daily or instantaneous maximum discharge limitation for any of the pollutants in S1.A.; or
  - e. any overflow prior to the treatment works, whether or not such overflow endangers health or the environment or exceeds any effluent limitation in the permit.
2. The Permittee must also provide a written submission within five days of the time that the Permittee becomes aware of any event required to be reported under subpart 1, above. The written submission must contain:
  - a. a description of the noncompliance and its cause;
  - b. the period of noncompliance, including exact dates and times;

- c. the estimated time noncompliance is expected to continue if it has not been corrected;
  - d. steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance; and
  - e. if the non compliance involves an overflow prior to the treatment works, an estimate of the quantity (in gallons) of untreated overflow.
3. Ecology may waive the written report on a case-by-case basis if the oral report has been received within 24 hours of the noncompliance.
4. Reports must be submitted to the address in S3.

#### **F. Other Noncompliance Reporting**

The Permittee must report all instances of noncompliance, not required to be reported within 24 hours, at the time that monitoring reports for S3.A ("Reporting") are submitted. The reports must contain the information listed in paragraph E above, ("Twenty-four Hour Notice of Noncompliance Reporting"). Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

#### **G. Maintaining a Copy of This Permit**

A copy of this permit must be kept at the facility and be made available upon request to Department of Ecology inspectors.

### **S4. FACILITY LOADING**

#### **A. Design Criteria**

Flows or waste loadings of the following design criteria for the permitted treatment facility shall not be exceeded:

| Parameter                         | Design Quantity |
|-----------------------------------|-----------------|
| Monthly average flow (max. month) | 3.6 MGD         |
| Instantaneous peak flow           | 10.5 MGD        |
| BOD <sub>5</sub> influent loading | 4,850 lb./day   |
| TSS influent loading              | 3,750 lb./day   |

## B. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

## C. Notification of New or Altered Sources

The Permittee shall submit written notice to the Department whenever any new discharge or a substantial change in volume or character of an existing discharge into the POTW is proposed which: (1) would interfere with the operation of, or exceed the design capacity of, any portion of the POTW; (2) is not part of an approved general sewer plan or approved plans and specifications; or (3) would be subject to pretreatment standards under 40 CFR Part 403 and Section 307(b) of the Clean Water Act. This notice shall include an evaluation of the POTW's ability to adequately transport and treat the added flow and/or waste load, the quality and volume of effluent to be discharged to the POTW, and the anticipated impact on the Permittee's effluent [40 CFR 122.42(b)].

## D. Infiltration and Inflow Evaluation

1. The Permittee shall conduct an infiltration and inflow evaluation and submit the report **with its application for permit renewal**. Refer to the U.S. EPA publication, *I/I Analysis and Project Certification*, available as Publication No. 97-03 at: Publications Office, Department of Ecology, PO Box 47600, Olympia, WA, 98504-7600. Plant monitoring records may be used to assess measurable infiltration and inflow.
2. A report shall be prepared which summarizes any measurable infiltration and inflow. If infiltration and inflow have increased by more than 15 percent from a previous report based on equivalent rainfall, the report shall contain a plan and a schedule for: (1) locating the sources of infiltration and inflow; and (2) correcting the problem.
3. Any infiltration or inflow identified in segments of the collection system which are under or adjacent to surface water shall be further characterized for the existence of exfiltration.
4. The portion(s) of the collection system which operates at greater than atmospheric pressure shall be leak tested for exfiltration no later than **June 1, 2006**.

5. The results of any leak testing shall be submitted to the Department.

**E. Waste load Assessment**

The Permittee shall conduct an assessment of their flow and waste load and submit a report to the Department **with application for permit renewal**. The report shall contain the following: an indication of compliance or noncompliance with the permit effluent limitations; a comparison between the existing and design monthly average dry weather and wet weather flows, peak flows, BOD, and total suspended solids loadings; and (except for the first report) the percentage increase in these parameters since the last annual report. The report shall also state the present and design population or population equivalent, projected population growth rate, and the estimated date upon which the design capacity is projected to be reached, according to the most restrictive of the parameters above. The interval for review and reporting may be modified if the Department determines that a different frequency is sufficient.

**S5. OPERATION AND MAINTENANCE**

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

**A. Certified Operator**

An operator certified for at least a Class III plant by the state of Washington shall be in responsible charge of the day-to-day operation of the wastewater treatment plant. An operator certified for at least a Class II plant shall be in charge during all regularly scheduled shifts.

**B. O & M Program**

The Permittee shall institute an adequate operation and maintenance program for the entire sewage system. Maintenance records shall be maintained on all major electrical and mechanical components of the treatment plant, as well as the sewage system and pumping stations. Such records shall clearly specify the frequency and type of maintenance recommended by the manufacturer and shall show the frequency and type

of maintenance performed. These maintenance records shall be available for inspection at all times.

**C. Short-term Reduction**

If a Permittee contemplates a reduction in the level of treatment that would cause a violation of permit discharge limitations on a short-term basis for any reason, and such reduction cannot be avoided, the Permittee shall give written notification to the Department, if possible, 30 days prior to such activities, detailing the reasons for, length of time of, and the potential effects of the reduced level of treatment. This notification does not relieve the Permittee of its obligations under this permit.

**D. Electrical Power Failure**

The Permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated wastes or wastes not treated in accordance with the requirements of this permit during electrical power failure at the treatment plant and/or sewage lift stations either by means of alternate power sources, standby generator, or retention of inadequately treated wastes.

The Permittee shall maintain Reliability Class III (EPA 430/9-74-001) at the wastewater treatment plant, which requires a backup power source sufficient to operate the screening or communitor facilities, the main wastewater pumps, the primary sedimentation basins, the disinfection facility, and critical lighting and ventilation during peak wastewater flows.

**E. Prevent Connection of Inflow**

The Permittee shall strictly enforce their sewer ordinances and not allow the connection of inflow (roof drains, foundation drains, etc.) to the sanitary sewer system.

**F. Bypass Procedures**

Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited, and the Department may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, or 3) is applicable.

1. Bypass for essential maintenance without the potential to cause violation of permit limits or conditions.

Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by the Department prior to the bypass. The Permittee shall submit prior notice, if possible at least 10 days before the date of the bypass.

2. Bypass which is unavoidable, unanticipated and results in noncompliance of this permit.

This bypass is permitted only if:

- a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.
  - b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.
  - c. The Department is properly notified of the bypass as required in condition S3E of this permit.
3. Bypass which is anticipated and has the potential to result in noncompliance of this permit

The Permittee shall notify the Department at least 30 days before the planned date of bypass. The notice shall contain: (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any

water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

The Department will consider the following prior to issuing an administrative order for this type bypass:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.
- b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.120.

#### **G. Operations and Maintenance Manual**

The approved Operations and Maintenance Manual shall be kept available at the treatment plant and all operators shall follow the instructions and procedures of this manual.

An Operations and Maintenance (O&M) Manual shall be prepared by the Permittee in accordance with WAC 173-240-080 and be submitted to the Department for approval by **June 1, 2006**. In addition to requirements of WAC 173-240-080 (1) through (5) the O&M Manual shall include:



1. Emergency procedures for plant shutdown and cleanup in event of wastewater system upset or failure.
2. Wastewater system maintenance procedures that contribute to the generation of process wastewater
3. Any directions to maintenance staff when cleaning, or maintaining other equipment or performing other tasks which are necessary to protect the operation of the wastewater system (e.g. defining maximum allowable discharge rate for draining a tank, blocking all floor drains before beginning the overhaul of a stationary engine.)
4. The treatment plant process control monitoring schedule.

The O&M Manual shall be reviewed by the Permittee at least annually. Substantial changes or updates to the O&M Manual shall be submitted to the Department whenever they are incorporated into the manual.

## **S6. PRETREATMENT**

### **A. General Requirements**

The Permittee shall work with the Department to ensure that all commercial and industrial users of the publicly owned treatment works (POTW) are in compliance with the pretreatment regulations promulgated in 40 CFR Part 403 and any additional regulations that may be promulgated under Section 307(b) (pretreatment) and 308 (reporting) of the Federal Clean Water Act.

### **B. Wastewater Discharge Permit Required**

The Permittee shall not allow significant industrial users (SIUs) to discharge wastewater to the Permittee's sewerage system until such user has received a wastewater discharge permit from the Department in accordance with Chapter 90.48 RCW and Chapter 173-216 WAC, as amended.

**C. Identification and Reporting of Existing, New, and Proposed Industrial Users**

1. The Permittee shall take continuous, routine measures to identify all existing, new, and proposed SIUs and potential significant industrial users (PSIUs) discharging or proposing to discharge to the Permittee's sewerage system (see Appendix B of Fact Sheet for definitions).
2. Within 30 days of becoming aware of an unpermitted existing, new, or proposed industrial user who may be an SIU, the Permittee shall notify such user by registered mail that, if classified as an SIU, they shall be required to apply to the Department and obtain a State Waste Discharge Permit. A copy of this notification letter shall also be sent to the Department within this same 30-day period.
3. The Permittee shall also notify all PSIUs, as they are identified, that if their classification should change to an SIU, they shall be required to apply to the Department for a State Waste Discharge Permit within 30 days of such change.

**D. Duty to Enforce Discharge Prohibitions**

1. In accordance with 40 CFR 403.5(a), the Permittee shall not authorize or knowingly allow the discharge of any pollutants into its POTW which cause pass through or interference, or which otherwise violates general or specific discharge prohibitions contained in 40 CFR Part 403.5 or WAC-173-216-060.
2. The Permittee shall not authorize or knowingly allow the introduction of any of the following into their treatment works:
  - a. Pollutants which create a fire or explosion hazard in the POTW (including, but not limited to waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21).
  - b. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, or greater than 11.0 standard units, unless the works are specifically designed to accommodate such discharges.
  - c. Solid or viscous pollutants in amounts that could cause obstruction to the flow in sewers or otherwise interfere with the operation of the POTW.
  - d. Any pollutant, including oxygen demanding pollutants, (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

- e. Petroleum oil, nonbiodegradable cutting oil, or products of mineral origin in amounts that will cause interference or pass through.
  - f. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity which may cause acute worker health and safety problems.
  - g. Heat in amounts that will inhibit biological activity in the POTW resulting in interference but in no case heat in such quantities such that the temperature at the POTW headworks exceeds 40°C (104°F) unless the Department, upon request of the Permittee, approves, in writing, alternate temperature limits.
  - h. Any trucked or hauled pollutants, except at discharge points designated by the Permittee.
  - i. Wastewaters prohibited to be discharged to the POTW by the Dangerous Waste Regulations (Chapter 173-303 WAC), unless authorized under the Domestic Sewage Exclusion (WAC 173-303-071).
3. All of the following are prohibited from discharge to the POTW unless approved in writing by the Department under extraordinary circumstances (such as a lack of direct discharge alternatives due to combined sewer service or the need to augment sewage flows due to septic conditions):
- a. Noncontact cooling water in significant volumes.
  - b. Stormwater, and other direct inflow sources.
  - c. Wastewaters significantly affecting system hydraulic loading, which do not require treatment, or would not be afforded a significant degree of treatment by the system.
4. The Permittee shall notify the Department if any industrial user violates the prohibitions listed in this section.

## **S7. RESIDUAL SOLIDS**

Residual solids include screenings, grit, scum, primary sludge, waste activated sludge, and other solid waste. The Permittee shall store and handle all residual solids in such a manner so as to prevent their entry into state ground or surface waters. The Permittee shall not discharge leachate from residual solids to state surface or ground waters.

## **S8. APPLICATION FOR PERMIT RENEWAL**

The Permittee shall submit an application for renewal of this permit by \_\_\_\_\_.

## **S9. SPILL PLAN**

The Permittee shall by **June 1, 2006** submit to the Department an update to the existing Spill Control Plan.

The Permittee shall submit to the Department a Spill Control Plan for the prevention, containment, and control of spills or unplanned releases. The Permittee shall review the plan at least annually and update as needed. Changes to the plan shall be sent to the Department. The Plan and any supplements shall be followed throughout the term of the permit.

The updated Spill Control Plan shall include the following:

- A description of operator training to implement the Plan.
- A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill.
- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
- A list of all oil and petroleum products, materials, which when spilled, or otherwise released into the environment, are designated Dangerous (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in WAC 173-303-070, or other materials which may become pollutants or cause pollution upon reaching state's waters.
- Plans and manuals required by 40 CFR Part 112, contingency plans required by Chapter 173-303 WAC, or other plans required by other agencies which meet the intent of this section may be submitted.

## **S10. OUTFALL EVALUATION**

The Permittee shall inspect the submerged portion of the outfall and surrounding area to document its integrity and continued function. If conditions allow for a photographic verification, it shall be included in the report. In addition, the Permittee shall determine the Geographic Positioning System (GPS) coordinates of the outfall. The inspection report and GPS coordinates shall be submitted to the Department by **October 1, 2009**.

## **GENERAL CONDITIONS**

### **G1. SIGNATORY REQUIREMENTS**

All applications, reports, or information submitted to the Department shall be signed and certified.

- A. All permit applications shall be signed by either a principal executive officer or a ranking elected official.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - 1. The authorization is made in writing by a person described above and submitted to the Department.
  - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am

aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

## **G2. RIGHT OF INSPECTION AND ENTRY**

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

## **G3. PERMIT ACTIONS**

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the Permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
  - 1. Violation of any permit term or condition.
  - 2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
  - 3. A material change in quantity or type of waste disposal.
  - 4. A determination that the permitted activity endangers human health or the environment, or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].

5. A change in any condition that requires either a temporary or permanent reduction, or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].
  6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
  7. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.
- B. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:
1. A material change in the condition of the waters of the state.
  2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
  3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
  4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
  5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR part 122.62.
  6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
  7. Incorporation of an approved local pretreatment program into a municipality's permit.
- C. The following are causes for modification or alternatively revocation and reissuance:
1. Cause exists for termination for reasons listed in A1 through A7 of this section, and the Department determines that modification or revocation and reissuance is appropriate.
  2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new Permittee.

#### **G4. REPORTING PLANNED CHANGES**

The Permittee shall, as soon as possible, but no later than 60 days prior to the proposed changes, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such

notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation of the terms and conditions of this permit.

#### **G5. PLAN REVIEW REQUIRED**

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least 180 days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities shall be constructed and operated in accordance with the approved plans.

#### **G6. COMPLIANCE WITH OTHER LAWS AND STATUTES**

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

#### **G7. TRANSFER OF THIS PERMIT**

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

##### **A. Transfers by Modification**

Except as provided in paragraph (B) below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

##### **B. Automatic Transfers**

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least 30 days in advance of the proposed transfer date.



2. The notice includes a written agreement between the existing and new Permittees containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under this subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

#### **G8. REDUCED PRODUCTION FOR COMPLIANCE**

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

#### **G9. REMOVED SUBSTANCES**

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

#### **G10. DUTY TO PROVIDE INFORMATION**

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit.

#### **G11. OTHER REQUIREMENTS OF 40 CFR**

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

#### **G12. ADDITIONAL MONITORING**

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

**G13. PAYMENT OF FEES**

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

**G14. PENALTIES FOR VIOLATING PERMIT CONDITIONS**

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to \$10,000 and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to \$10,000 for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

**G15. UPSET**

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in condition S3.E; and 4) the Permittee complied with any remedial measures required under S4.C of this permit.

In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

**G16. PROPERTY RIGHTS**

This permit does not convey any property rights of any sort, or any exclusive privilege.

**G17. DUTY TO COMPLY**

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

**G18. TOXIC POLLUTANTS**

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

**G19. PENALTIES FOR TAMPERING**

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or by both.

**G20. REPORTING ANTICIPATED NON-COMPLIANCE**

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least 180 days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during noncritical water quality periods and carried out in a manner approved by the Department.

**G21. REPORTING OTHER INFORMATION**

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Department, it shall promptly submit such facts or information.

**G22. COMPLIANCE SCHEDULES**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.